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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,464	02/05/2004	Takashi Ozawa	Q79729	2948
65565 7590 01/31/2007 SUGHRUE-265550 2100 PENNSYLVANIA AVE. NW WASHINGTON, DC 20037-3213			EXAMINER MARTIN, LAURA E	
			ART UNIT 2853	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
31 DAYS			01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/771,464	Applicant(s) OZAWA ET AL.	
	Examiner Laura E. Martin	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-10 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species:

Species 1, drawn to an aqueous medium comprising at least one water-miscible organic solvent; and at least one dye dissolved and/or dispersed in the aqueous medium, wherein said at least one dye has a maximum absorption spectrum λ_{\max} at a wavelength range of from 390 nm to 470 nm and a $I(\lambda_{\max}+70 \text{ nm})/I(\lambda_{\max})$ ratio of not greater than 0.4, in which $I(\lambda_{\max})$ is the absorbance at λ_{\max} and $I(\lambda_{\max}+70 \text{ nm})$ is the absorbance at $\lambda_{\max}+70 \text{ nm}$, wherein the inkjet recording ink exhibits an accelerated fading rate constant of not greater than $5.0 \cdot 10^{-2} [\text{hour}^{-1}]$, in which the accelerated fading rate constant is determined by printing the ink on a reflection medium to prepare a printed matter, measuring a reflection density through a status A filter to define an initial value of reflection density (D_B) in the yellow region by one point between 0.90 and 1.10, and acceleratedly fading the printed matter by using an ozone fading tester capable of always generating 5 ppm of ozone, so as to define the fading rate constant from the time required until the reflection density reaches 80% of the initial value; and said at least one water-miscible organic solvent satisfies one of the following requirements 1) and 2): 1) all of said at least one water-miscible organic solvent has a solubility of less than 10 (g/100 g) in the dye at 25 C.; 2) at least one of said at least one water-miscible organic solvent has a solubility of not smaller than 10 (g/100 g) in the

dye at 25 C., with the proviso that the sum of the weight of the water-miscible organic solvent having a solubility of not smaller than 10 (g/100 g) in the dye at 25 C. is not greater than 10% of the weight of the ink (for example, as presently disclosed in claims 1-5).

Species 2, drawn to an aqueous medium comprising at least one water-miscible organic solvent; and at least one dye dissolved and/or dispersed in the aqueous medium, wherein the dye is a compound represented by formula (1) having a λ_{\max} at a wavelength range of from 390 nm to 470 nm, A-N=N--B (1) in which A and B each independently represents a heterocyclic group which may be substituted; and said at least one water-miscible organic solvent satisfies one of the following requirements 1) and 2): 1) all of said at least one water-miscible organic solvent has a solubility of Less than 10 (g/100 g) in the dye at 25 C.; 2) at least one of said at least one water-miscible organic solvent has a solubility of not smaller than 10 (g/100 g) in the dye at 25.degree. C., with the proviso that the sum of the weight of the water-miscible organic solvent having a solubility of not smaller than 10 (g/100 g) in the dye at 25 C. is not greater than 10% of the weight of the ink (for example, as presently disclosed in claims 6-10).

The species are independent or distinct because each species maintains distinct limitations which requires a burdensome search.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions

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unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Martin whose telephone number is (571) 272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura E. Martin

 1/26/07
MANISH S. SHAH
PRIMARY EXAMINER